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Ravalli County Commissioners

STREAMSIDE SETBACKS

Nothing stirs up debate and emotions more than new regulations looming on the horizon that mark a big change in public policy – in particular those affecting private property rights, and justifiably so. Every time our personal freedoms are about to be abridged, our hackles go up and we assume a defensive posture. Often, we fear the worst. So it is with Streamside Setback regulations.

We have always had laws protecting us from each other and ourselves, and more recently in our history laws that protect other living things and our environment. If we were all 100% knowledgeable and beneficent, no laws would be necessary. Typically, laws are created to address the actions of a small minority – those lacking in morals, ethics, or knowledge. More frequently, their purpose is to provide a consistent set of fair and reasonable standards for everyone in order to protect the overall public good, and the general welfare.

Personal freedoms end where their exercise adversely affects the well-being or personal freedoms of another. When the land is sparsely inhabited, there is little need for regulating its use. As the human population and its density continues to increase at exponential rates, and our access to improved technology gives us greater power than ever, we begin to feel the need for a system of checks and balances that enable us to live in harmony with each other, and with the natural environment.

Zoning is one of the most important and effective public policy tools for land use. The residents of Ravalli County have clearly averred its necessity in recent referenda and elections. Its constitutionality was affirmed in 1926 by the U.S. Supreme Court. Of all the things zoning does, in general one of its key attractions to landowners and government leaders has been its ability to protect and stabilize property values.

Setbacks in general and streamside setbacks in particular are nothing more than aspects of zoning. City lot building setbacks and minimum lot sizes, for example, have become an accepted and probably welcome feature in urban neighborhoods. When they were first introduced however, I suspect there were some vehement protests having to do with property rights. The point is, what may seem draconian at first can exhibit merit and gain common acceptance over time.

Regardless of what you may have recently heard or read, streamside setbacks are not intended to:

- Restrict legitimate agricultural uses
- Restrict water rights
- Prevent owners from building on their land
- Prevent owners from access to adjoining streams
- Render land useless
- Improve the scenery for boaters and fishermen

Streamside setbacks are intended to:

- Protect residences and structures from flooding and stream migration (erosion)

- Protect downstream residences and land from the adverse actions of upstream owners
- Protect water quality
- Protect fish populations and riparian habitat

Many communities nationwide and in Montana have already adopted streamside setbacks as a viable and necessary means of achieving these objectives.

The Streamside Setback Committee is composed of 17 volunteer members of the community representing a wide range of interests and expertise. Our goal is to find an acceptable balance between the above objectives and private property rights. We work with congeniality and respect for each other and the public. We want constructive public input and feedback on the potential impacts of setbacks. We have no hidden agenda. We seek to collect as much information about the issues as possible, and have a full schedule of guest speakers at our public meetings.

We encourage everyone with an interest to get to know us and become familiar with our process before succumbing to vitriolic hearsay and conjecture. Get to know the truth about streamside setbacks.

George Marshall
SSC